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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

RODRIGUEZ, WILLIAM H

ART UNIT	PAPER NUMBER
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3746

DATE MAILED: 06/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/709,661

Applicant(s)

JONSSON ET AL.

Examiner

William H. Rodriguez

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 April 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 23-45 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 23, 24, 26, 29-31, 34, 35, 37, 38 and 40-44 is/are rejected.
- 7) ☒ Claim(s) 25, 28, 32, 33 and 36 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 May 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

This office action is in response to the amendment and remarks filed 4/14/05. Since the examiner has applied new grounds of rejection, this office action is being made non-final to afford the applicant the opportunity to respond to the new grounds of rejection.

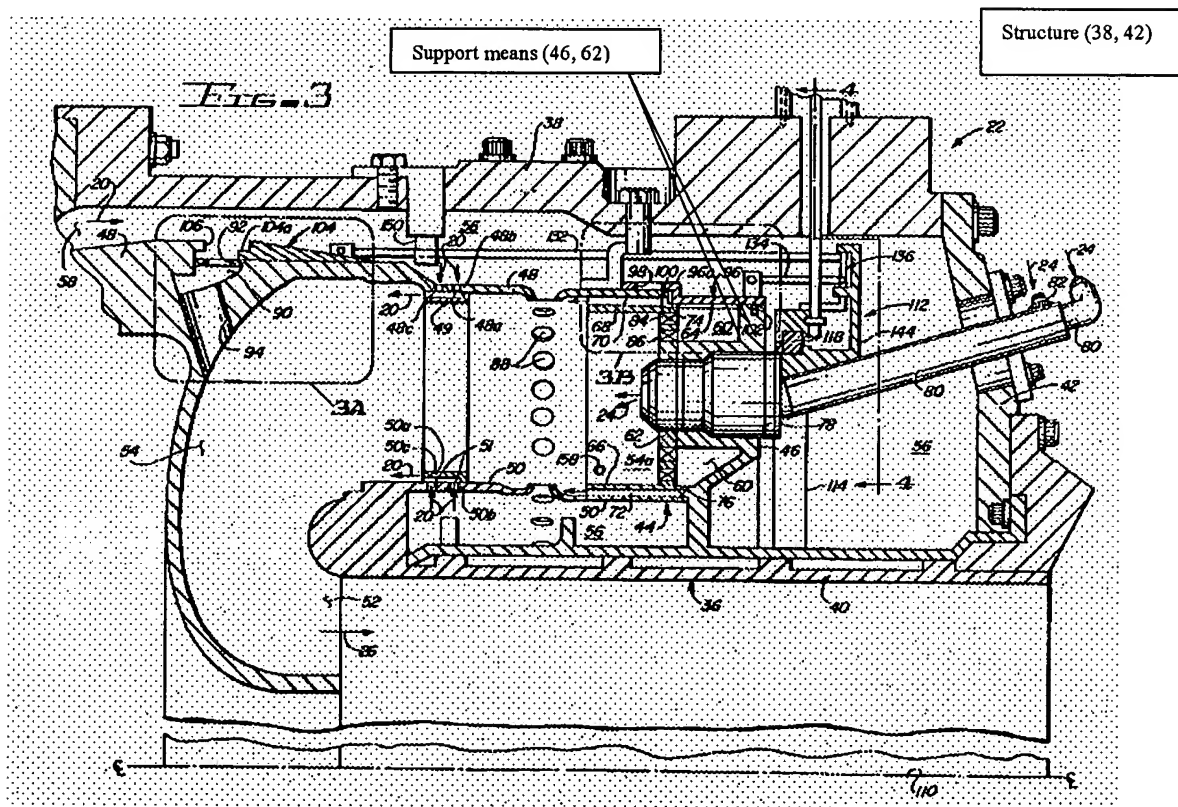
Claim Rejections - 35 USC § 102

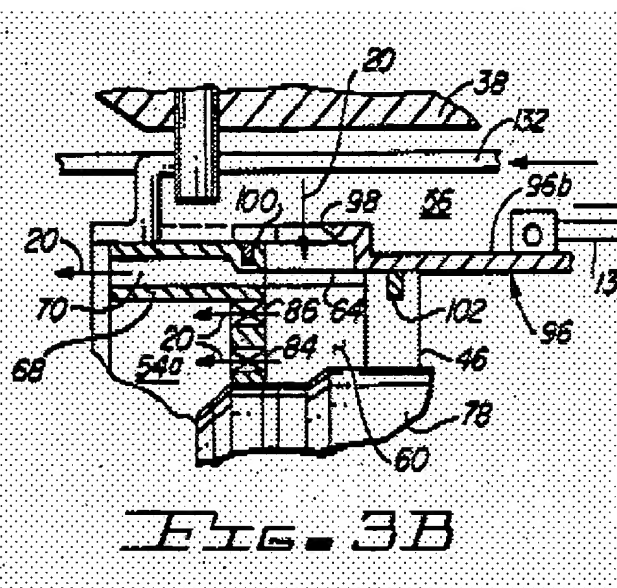
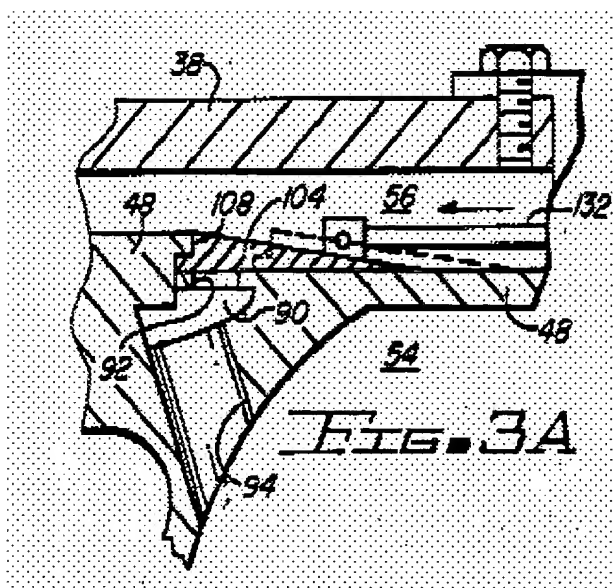
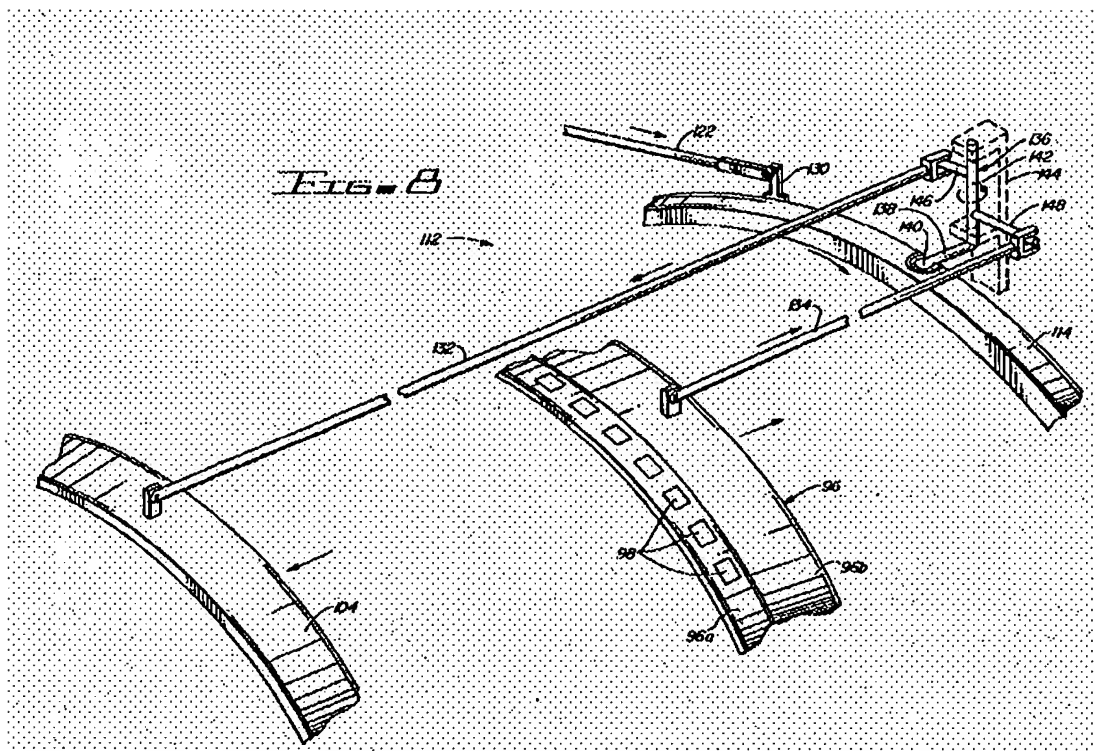
- The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

- Claims 23, 24, 26, 27, 29, 30, 31, 34, 38, 39, 40 and 45 are rejected under 35 U.S.C. 102(b) as being anticipated by **Mongia et al.** (U.S. 4,532,762).





With respect to claim 23, **Mongia** teaches a device for controlling the intake of gas into a combustion zone of the combustion chamber of a gas turbine, said device comprising: a control element arranged outside the combustion chamber; said control element further comprising a first cover means (96) for covering at least a first inlet (64) to the combustion zone, said first cover means being displaceable relative to the combustion chamber, and a support means (46, 62) connected to the first cover means for providing support to the control element, said support means being accommodated interiorly within a structure (38, 42) rearwardly located with respect to the combustion chamber and said support means being substantially concentrically oriented relative to a centerline of the combustion chamber. See particularly **Figures 3, 3a, 3b and 8** above; and column 5 line 59 to column 6 line 22.

With respect to claim 24, **Mongia** teaches that the control element is exclusively supported on said support means (46, 62) in an operating configuration, without contact with the combustion chamber. See particularly **Figure 3** above.

With respect to claim 26, **Mongia** teaches that the structure (38, 42) in which the support means is accommodated forms at least a part of a combustion chamber cover. See particularly **Figure 3** above.

With respect to claim 27, **Mongia** teaches that the support means, when accommodated in the structure is radially oriented outside a pilot distributor (78) to the combustion chamber. See particularly **Figure 3** above.

With respect to claim 29, **Mongia** teaches that the support means has a circular cross-sectional shape. See particularly **Figure 3** above.

With respect to claim 30, **Mongia** teaches that the first cover means has at least one recess (98) extending through a wall thereof in a substantially radial direction of the control element. See particularly **Figure 8** above.

With respect to claim 31, **Mongia** teaches that at least one recess (98) in the first cover means and first inlet 64 to the combustion chamber, when in registration with one another, are configured to form a through-duct for gas passing from outside the combustion chamber to inside the combustion chamber. See particularly **Figure 3b** above.

With respect to claim 34, **Mongia** teaches that the wall of the first cover means is ring-shaped and said at least one recess (98) extends therethrough. See particularly **Figure 8** above.

With respect to claim 38, **Mongia** teaches that the first cover means is arranged at a greater radial distance from a central axis through the control element than the support means (46, 62). See particularly **Figure 3** above.

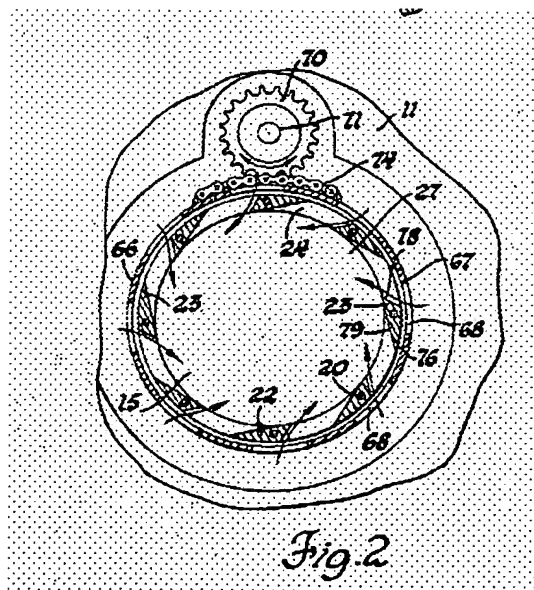
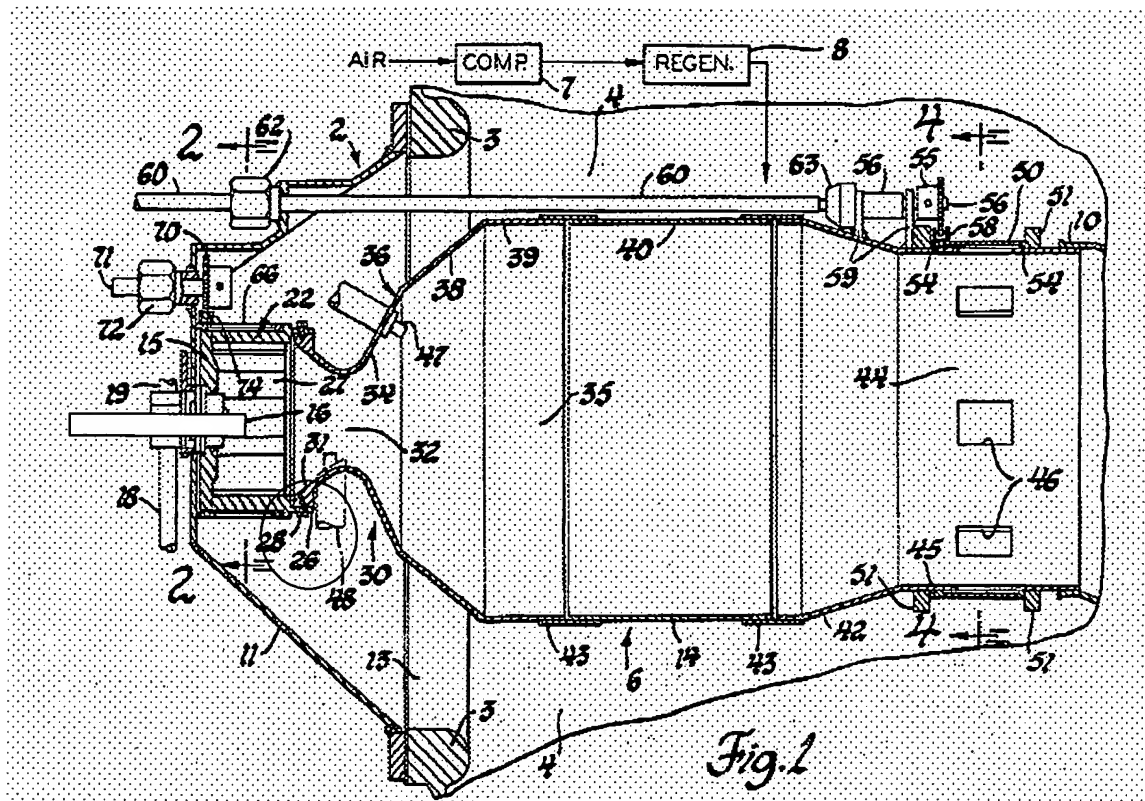
With respect to claim 39, **Mongia** teaches that the first inlet 64 extends through a combustion chamber wall and forms a gas inlet into at least one swirl (84, 86) arranged in the combustion chamber. See particularly **Figure 3** above.

With respect to claim 40, **Mongia** teaches that the control element further comprises a second cover means (104) configured to cover at least a second inlet (92) to the combustion zone, the at least one second inlet being arranged at a distance from the at least one first inlet in a longitudinal direction of the combustion chamber. See particularly **Figure 3b** above.

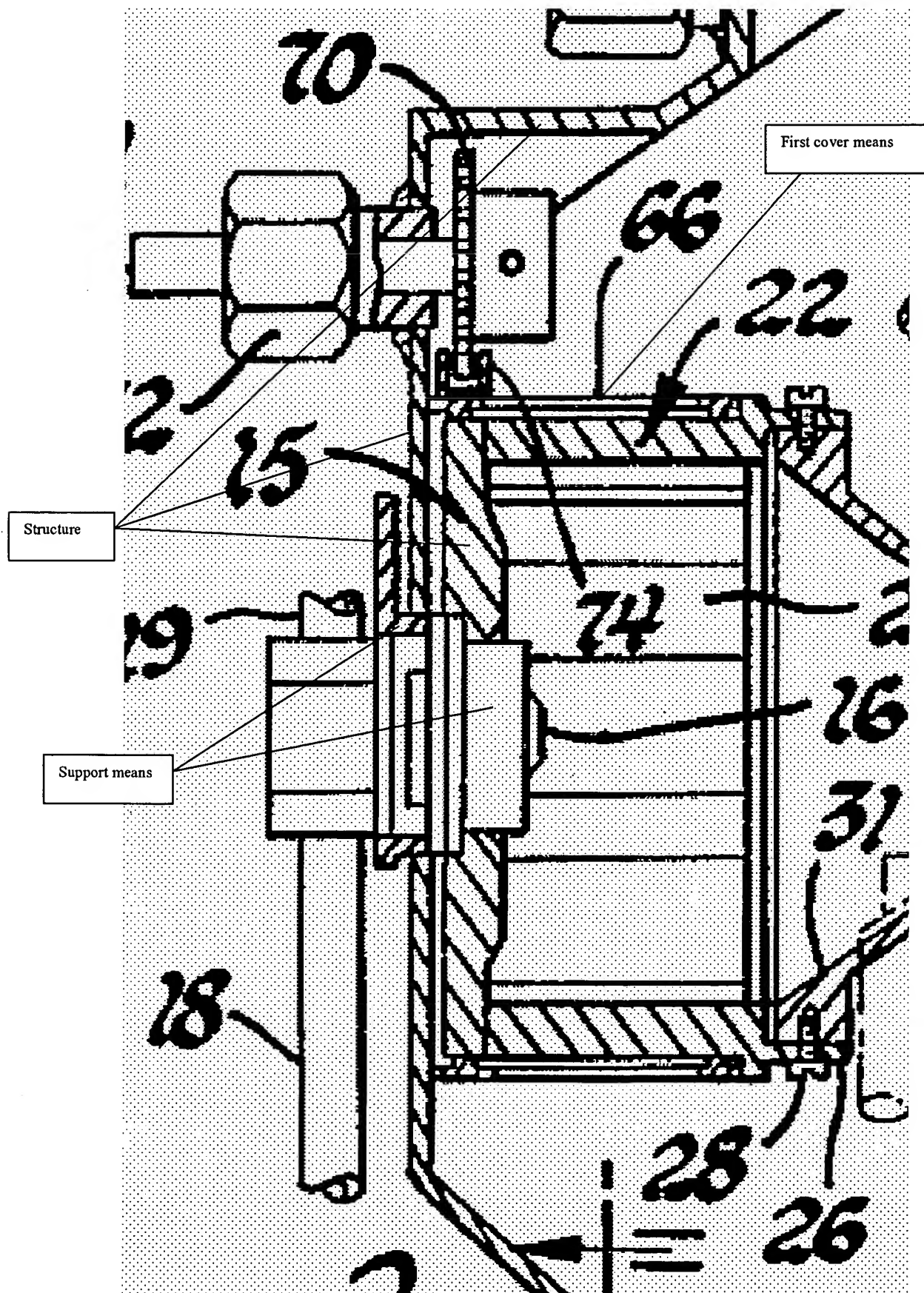
With respect to claim 45, **Mongia** teaches that the second cover means is connected to the first cover means by at least one arm (142). See particularly **Figure 8** above.

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3. Claims 23, 24, 26, 29-31, 34, 35, 37, 38 and 40-44 are rejected under 35 U.S.C. 102(b) as being anticipated by **Cornelius et al.** (U.S. 3,958,413).



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With respect to claim 23, **Cornelius** teaches a device for controlling the intake of gas into a combustion zone of the combustion chamber of a gas turbine, said device comprising: a control element arranged outside the combustion chamber; said control element further comprising a first cover means (66) for covering at least a first inlet (24) to the combustion zone, said first cover means being displaceable relative to the combustion chamber, and a support means (16) connected to the first cover means for providing support to the control element, said support means being accommodated interiorly within a structure (11, 15) rearwardly located with respect to the combustion chamber and said support means being substantially concentrically oriented relative to a centerline of the combustion chamber. See particularly **Figures 1 and 2** above.

With respect to claim 24, **Cornelius** teaches that the control element is exclusively supported on said support means in an operating configuration, without contact with the combustion chamber. See particularly **Figures 1 and 2** above.

With respect to claim 26, **Cornelius** teaches that the structure in which the support means is accommodated forms at least a part of a combustion chamber cover. See particularly **Figures 1 and 2** above.

With respect to claim 29, **Cornelius** teaches that the support means has a circular cross-sectional shape. See particularly **Figures 1 and 2** above.

With respect to claim 30, **Cornelius** teaches that the first cover means has at least one recess (68) extending through a wall thereof in a substantially radial direction of the control element. See particularly **Figure 2** above.

With respect to claim 31, **Cornelius** teaches that at least one recess (68) in the first cover means and first inlet 24 to the combustion chamber, when in registration with one another, are

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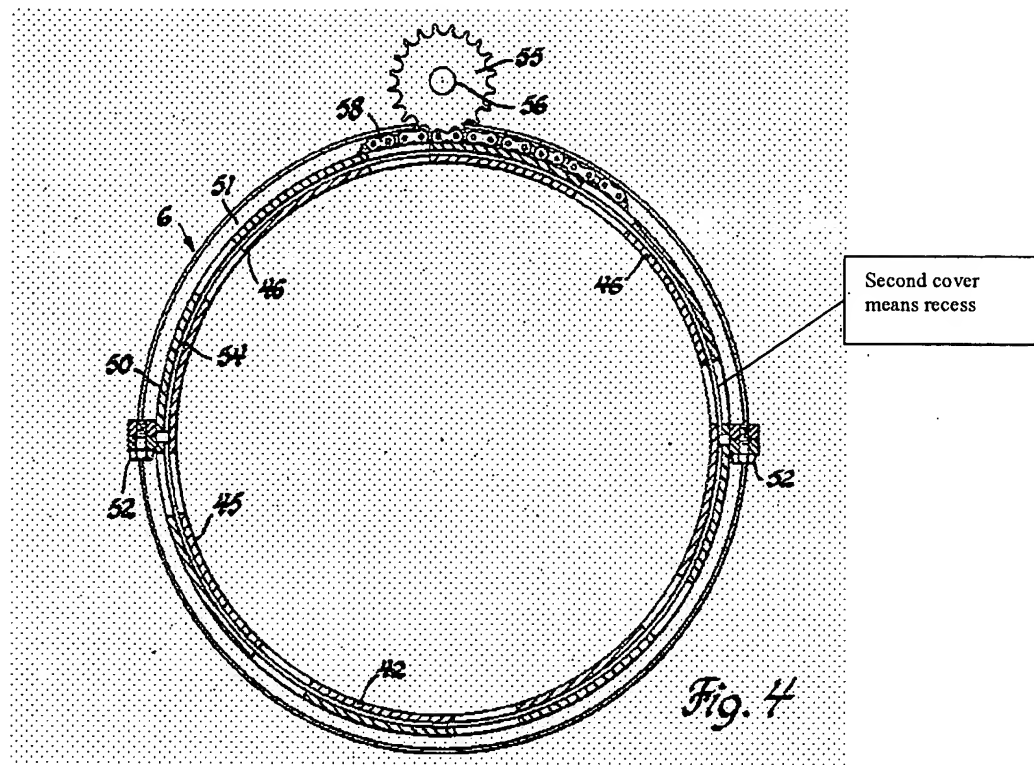
configured to form a through-duct for gas passing from outside the combustion chamber to inside the combustion chamber. See particularly **Figures 1 and 2** above.

With respect to claim 34, **Cornelius** teaches that the wall of the first cover means is ring-shaped and said at least one recess (68) extends therethrough. See particularly **Figures 1 and 2** above.

With respect to claim 35, **Cornelius** teaches that the first cover means is rotatable relative to the combustion chamber. See particularly **Figures 2** above and column 4 line 58.

With respect to claim 37, **Cornelius** teaches that the control element is rotatable relative to the structure within which the support means is accommodated. See particularly **Figures 1 and 2** above.

With respect to claim 38, **Cornelius** teaches that the first cover means is arranged at a greater radial distance from a central axis through the control element than the support means. See particularly **Figure 1** above.



With respect to claim 40, **Cornelius** teaches that the control element further comprises a second cover means (50) configured to cover at least a second inlet (46) to the combustion zone, the at least one second inlet being arranged at a distance from the at least one first inlet in a longitudinal direction of the combustion chamber. See particularly **Figure 4**.

With respect to claim 41, **Cornelius** teaches that the second cover means has at least one recess that extends in a substantially radial direction through a wall thereof. See particularly **Figure 4**.

With respect to claim 42, **Cornelius** teaches that at least one recess in the second cover means and the second inlet (46) to the combustion chamber, when in registration with one another, are configured to form a through-duct for gas passing from outside the combustion chamber to inside the combustion chamber. See particularly **Figure 4**.

With respect to claim 43, **Cornelius** teaches that the second cover means is in the shape of a ring with said at least one recess extending through a wall thereof. See particularly **Figure 4**.

With respect to claim 44, **Cornelius** teaches that the second cover means is rotatable relative to the combustion chamber. See particularly **Figure 4**.

Allowable Subject Matter

4. Claims 25, 28, 32, 33 and 36 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

4. Applicant's arguments with respect to claim 23 have been considered but are moot in view of the new ground(s) of rejection.

On page 9 applicant argues that "Cornelius'413 does not disclose a support means connected to the first cover means for providing support to the control element, said support means being accommodated interiorly within a structure rearwardly located with respect to the combustion chamber". However, as clearly shown on marked-up Figure 1 of **Cornelius** (see page 7 of this office action), **Cornelius** does teach the limitations being argued, that is, **Cornelius** discloses a support means (16) connected (indirectly through element 15) to the first cover means (66) for providing control for the control element, said support means (16) being accommodated

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interiorly within a structure (See marked-up Figure 1 above) rearwardly located with respect to the combustion chamber.

Element 16 of Cornelius provides indirectly at least some support to the first support means 66.

Element 66 is inserted within the structure (15, 11).

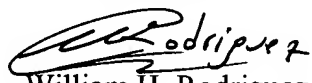
Contact information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William H. Rodriguez whose telephone number is 571-272-4831.

The examiner can normally be reached on Monday-Friday 7:30 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Timothy S. Thorpe can be reached on 571-272-4444. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


William H. Rodriguez
Examiner
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6/15/05